

**COMPLAINT TO:**

Lawrence M. Norton, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

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COMMISSION  
SECRETARIAT

2005 DEC -9 P 4 03

**SENSITIVE**

MUR # 5694

**COMPLAINANT:**

Bob Casey for Pennsylvania Committee  
22 South Third Street  
Suite 2  
Harrisburg PA 17101

Jay Reiff  
Campaign Manager  
Bob Casey for Pennsylvania Committee  
22 South Third Street  
Suite 2  
Harrisburg PA 17101

Kathy Chan  
Deputy Campaign Manager  
Bob Casey for Pennsylvania Committee  
22 South Third Street  
Suite 2  
Harrisburg PA 17101

**RESPONDENTS:**

Americans for Job Security, Inc.  
1240 N. Pitt St.  
Suite 350  
Alexandria VA 22314;

Michael D. Dubke  
President  
Americans for Job Security, Inc.  
1240 N. Pitt St.

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COUNSEL  
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Suite 350  
Alexandria VA 22314, and

Fred Maas  
Secretary & Treasurer  
Americans for Job Security, Inc.  
1240 N. Pitt St.  
Suite 350  
Alexandria VA 22314.

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#### COMPLAINT

Complainant brings this complaint against Americas for Job Security, Inc. ("AJS"); Michael D. Dubke, President; and Fred Maas, Secretary & Treasurer (collectively, "Respondents"). The facts indicate that Respondents conspired to make illegal corporate expenditures in connection with a Federal election, failed to register and report as a political committee with the Federal Election Commission, and failed to comply with disclaimer requirements.

#### I. FACTS

AJS incorporated in the District of Columbia on November 3, 1997. It is also registered with the State Corporation Commission of the Commonwealth of Virginia. It purports to be a trade association under I.R.C. § 501(c)(6). AJS has not registered as a political committee with the Federal Election Commission.

On November 18, 2005, AJS began airing an advertisement on television in Pennsylvania supporting

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Rick Santorum's re-election to the United States Senate. The advertisement continued to run through November 28, 2005. See K. Hefling, *Group's Ad Touts Santorum's Record on Tax Relief*, ASSOCIATED PRESS, Nov. 21, 2005. The advertisement buy was made in the Pittsburgh, Harrisburg-Lancaster, Erie, Scranton-Wilkes Barre, and Johnstown-Altoona markets, and was for \$451,740.00. The advertisement states that "Rick Santorum is getting things done everyday," and ends with the statement: "Call and say thanks, because Rick Santorum is the one getting it done."

On November 27, 2005, AJS advertisement made a second advertisement buy, in the same markets. This time, the advertisement buy will last until December 9, and will cost \$425,755.00. On November 29, AJS began to run a second advertisement in this time; the advertisement is attached. This advertisement also ends with the statement: "Call and say thanks, because Rick Santorum is the one getting it done." The written text at the end of the advertisement says "Senator Rick Santorum," and a phone number.

## II. LEGAL ARGUMENT

AJS has made expenditures in connection with a Federal election, in clear violation of 2 U.S.C. § 441b(a). It has failed to file with the Commission as a political committee. Finally, the advertisements are

also in violation of the disclaimer requirements of 2 U.S.C. § 441d(d)(2) (2004) and 11 C.F.R. § 110.11(c)(3)(4) (2004).

**A. The Advertisements Are Illegal Corporate Expenditures**

2 U.S.C. § 441b(a) forbids corporations from making "a contribution or expenditure in connection with any election at which . . . a Senator or Representative in . . . Congress are to be voted for." It is a core violation of federal election law, and a criminal violation, for corporations to make political expenditures. Because this advertisement constitutes express advocacy, it is a clear violation of the statutory prohibition against corporate expenditures.

The term "expenditure" is defined as "anything of value, made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(9)(A). The advertisements sponsored by AJS are unquestionably for the purpose of influencing the United States Senate election in Pennsylvania. The only legislation mentioned, S. 1750, is currently before the Senate Committee on Finance; AJS is only running advertisements in support of the sponsor of the bill, and is not attempting to lobby undecided members of the Finance Committee. The only conceivable purpose of this campaign is to affect the Pennsylvania Senate election.

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Indeed, the advertisement's use, at the end, of the words "Senator Rick Santorum," conjoined with the words "Getting It Done," has "no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s)." 11 C.F.R. § 100.24(a). This advertisement can "only be interpreted by a reasonable person as containing advocacy of the election" of Rick Santorum. *Id.* § 100.24(b).

**B. Americans for Job Security Has Failed to File with the Commission**

Groups of persons who make expenditures in excess of \$1,000 in a calendar year are required to register with and report to the Federal Election Commission as political committees. See 2 U.S.C. § 434(4)(A). AJS has spent well over that amount on efforts to influence a Federal election; it is therefore a political committee under federal law, and must obey the contribution limits and source restrictions of a political committee. It has not done so, and continues to accept large corporate contributions.

Though it claims to be a trade association, the major purpose of AJS is to influence the election of candidates. Since its inception in 1997, it has served as a vehicle to use corporate funds to influence Federal elections. Its primary activity is to sponsor television advertisements supporting Republican candidates in close

elections. Since its major purpose is electoral, and it has spent over \$1,000 in a calendar year to influence Federal elections, it must register as a political committee.

**C. The Advertisements Do Not Have the Required Disclaimer**

2 U.S.C. § 441d(a) requires that communications by a political committee and not authorized by a candidate must "clearly state the name and permanent street address, telephone number or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee." 2 U.S.C. § 441d(d)(2) also requires that television communications include both "the following audio statement: '\_\_\_\_\_ is responsible for the content of this advertising,'" and a corresponding written statement that appears for at least 4 seconds.

Because AJS is a political committee under Federal law, the attached television advertisement fails both requirements. The "paid for by" statement does not include a street address, phone number, or internet address. And the advertisement does not include a written or audio statement that AJS is responsible for the content of the advertising. These are clear violations of federal election law.

III. REQUESTED ACTION

As we have shown, the respondents have violated the Federal Election Campaign Act. Accordingly, we request that they be enjoined from further violations, be required to repay their illegal contributions and be fined the maximum amount permitted by law.

Sincerely,

Kathryn H. Hume

SUBSCRIBED AND SWORN to before me this 7th day of December, 2005.

Laura J. Dobbin  
Notary Public

My Commission Expires:

